

APPLICATION NUMBER: 032/SL/4389/2024

IN THE MATTER

of the Sale and Supply of Alcohol Act
2012

AND

IN THE MATTER

of an application by **Total Sports Limited** for a special-licence pursuant to section 138 of the Act on the occasion of the 'T42 Event'.

BEFORE THE RUAPEHU DISTRICT LICENSING COMMITTEE

Chairperson Mr Stuart Hylton

DECISION

1. Introduction

This is an application by **Total Sports Limited** for a special licence in regard to an event to be held at Ōwhango Domain, Okioi Street, Ōwhango. The licence is to allow event participants to legally consume liquor they are handed after crossing the finish line. Each competitor is supplied one beer, therefore consumption is minimal and risk is low.

The nature of the event for which the licence is sought is the 'T42 - running and walking event'. The date and hours sought are –

- **Saturday 4 May 2024 10.30am until 5.00pm,**

2. Application

The application was received on 5th February 2024 and included a site plan, certificate of incorporation, AMP and food list.

The application was not advertised and no objection or notice of desire to be heard has been received under section 141 of the Act. Accordingly we deal with the matter on the papers in accordance with section 202(1).

In considering the application for special licence the committee had regard to the following criteria under section 142 of the Act:

- (a) the object of this Act;
- (b) the nature of the particular event for which the licence is sought and, in particular,—
 - (i) whether the applicant is engaged in, or proposes at the event to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods; and

- (ii) whether the applicant is engaged in, or proposes at the event to engage in, the provision of services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:
- (c) the suitability of the applicant:
- (d) any relevant local alcohol policy:
- (e) whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, by the effects of the issue of the licence:
- (f) the days on which and the hours during which the applicant proposes to sell alcohol:
- (g) the design and layout of the premises concerned:
- (h) whether the applicant has appropriate systems, staff and training to comply with the law:
- (i) any areas of the premises that the applicant proposes should be designated as restricted areas or supervised areas:
- (j) any steps the applicant proposes to take to ensure that the requirements of this Act in relation to the sale and supply of alcohol to prohibited persons are observed:
- (k) the applicant's proposals relating to—
 - (i) the sale and supply of non-alcoholic drinks and food; and
 - (ii) the sale and supply of low-alcohol drinks; and
 - (iii) the provision of help with or information about alternative forms of transport from the premises:
- (l) any matters dealt with in any report from the Police, the Medical Officer of Health, or an inspector made under [section 141](#).

3. Reporting Agencies

The following reports were received under section 141 of the Act.

Police Report – No opposition within report received 9 February 2024.

Medical Officer of Health – No opposition within report received on 28 February 2024.

Licensing Inspector Report – Full report provided by the inspector including assessment of application against section 142 criteria. The Inspector concludes that the application is complete and will likely meet the criteria of the Act. The Inspector has no opposition to the issuing of the licence subject to recommended compulsory conditions and a discretionary condition relating to –

- A maximum 1 x 330ml bottle serve per registered race participant aged 18 or over only and restricted to beer only.

The inspectors report/file noted the following key matters –

- The applicant has obtained a licence for this event before and not come to the notice of enforcement agencies.
- The applicant is a private company specialising in running great events around NZ locations.
- Suitability is not challenged.
- The premise is on a public domain with Ruapehu District Council consent for its proposed use. Previous licences have operated well before and should not reduce amenity and good order of the locality. The community is involved in the event and naturally should be invested in maintaining good order and amenity.

- The site plan indicates the proposed licensed area to include the finishing area and supporting amenities, gazebo's, food outlets, etc.
- The hours appear relevant for the event being undertaken.
- A non-certified manager, Renae Tukua, is nominated to be the responsible person to oversee the licence. A s.312(2) waiver is granted to allow this to happen.
- Both the Police and MOH have no opposition to the application

4. Decision

The application for Special Licence is **Approved** for issue subject to the following conditions.

5. Conditions

a) Alcohol may only be sold under the licence on the following days and during the following hours:

- **Saturday 4 May 2024 10.30am until 5.00pm,**

b) Alcohol must only be sold, supplied and consumed within the area marked on the plan submitted with the application date stamped as received by the District Licensing Committee on 30 January 2024.

c) The entire licensed area is **undesignated**.

d) A copy of this licence with all the conditions, must be clearly displayed in a prominent place so all persons can read it.

e) Drinking water shall be freely available on the premises as specified in the application.

f) The licence holder must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.

g) Food must be available for consumption on the premises as specified in the application.

h) Low-alcohol beverages must be available for sale and supply on the premises as specified in the application.

i) Non-alcoholic beverages must be available for sale and supply on the premises as specified in the application.

j) The licensee must provide assistance with or information about alternative forms of transport from the premises as specified in the application.

k) No BYO alcohol allowed into the licensed area.

- l) The licensee must take the following steps to ensure that the provisions of this Act relating to the management of premises are observed:
- That **Renae Tukua** is the nominated responsible person to oversee the licence and must be present at all times the licence is in operation, and
 - The duty manager's name must be prominently displayed inside the premises.

DATED at Taumarunui this 1st day of March, 2024.



Stuart Hylton
Commissioner
Ruapehu District Licensing Committee